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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,142	09/27/2001	James M. Keegan	483471-009-C1	7345

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EXAMINER

ELVE, MARIA ALEXANDRA

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/965,142

Applicant(s)

Keegan et al.

Examiner

M. Alexandra Elve

Art Unit

1725



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/19/03.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 20-25 is/are rejected.
- 7) ☒ Claim(s) 6-7, 11-17 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner. *\* Inventor signature is missing*

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election without traverse of claims 1-17 & 25 in Paper No. 13 is acknowledged.
2. Claims 18-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected groups, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 13.

### ***Claim Objections***

3. Claim 15 is objected to because of the following informalities: it is not known what Cal SiBar is? This claim cannot be further examined on the merits. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 10 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Santella et al. (US Pat. 5,525,779).

Santella et al. discloses a welding wire for welding together intermetallic alloys of aluminum. The core contains metal alloys while the sheath is substantially aluminum. Aluminum can be used for the core or the sheath. The sheath may be provided for by wrapping strips of aluminum about the core, by extruding an aluminum sheath about the core, by passing the core and sheath through a die to form and position the sheath about the core, or by providing an aluminum coating on the core by passing the core through a bath of molten aluminum.

6. Claims 1-5, 10 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamimura et al. (US Pat. 5,260,540).

Kamimura et al. discloses a welding wire in which a sheath contains coated metallic particles. The core particle in the wire may be a heat resisting element and the covering particle and the sheath member a metal, wherein the heat resisting element may be a metal such as Co, Mo, Cr, and Ni or a ceramic such as  $\text{Al}_2\text{O}_3$ ,  $\text{Si}_3\text{N}_4$ , SiC and CuO. Heat resisting elements may be coated in Al. The sheath member may be made of Al.

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7. Claims 1-4, 10 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersen (US Pat. 4,804,818).

Andersen discloses a welding wire in which the electrode is a base rod and a hard coating or a base wire which is coated with a powder or metallic coating of aluminum and optionally a hard coat material which adheres to the electrode. The coating comprises aluminum and optically particles or other forms of hard coat material

8. Claims 1-4, 10 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenji et al. (JP6-304780-A).

Kenji et al. discloses an aluminum welding wire which has an aluminum surface layer. The wire contains metallic powder which can be Al, Cu, Ni, Mn, Fe, Ti, V, Cr, Zr, Nb, Mo, Hf & Ta.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santella et al. (paragraph 5, above) or Kamimura et al. (paragraph 6, above) or Andersen (paragraph 7, above) or Kenji et al. (paragraph 8, above) in view of Dolomont (US Pat. 3,676,309).

The claims are unpatentable over the above reference, as stated in the above paragraphs and further in view of Dolomont. These reference do not disclose the type of aluminum used in the welding wire. Dolomont discloses the use of series 1000, 2000, 400 & 5000 type aluminum. These contain Si, Cu, Mn, Mg and so forth. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a series 4000 or 5000 type aluminum, as taught by Dolomont in the above references systems because these are merely variations of starting materials.

***Allowable Subject Matter***

11. Claims 6-7, 11-14, 16-17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. The following is a statement of reasons for the indication of allowable subject matter: the claims as supported by the specification differs from the prior art in that it does not teach the exact amounts of Si, Mg, Mn, Cr, Ti, Al, or the presence of Ba, or MnN.

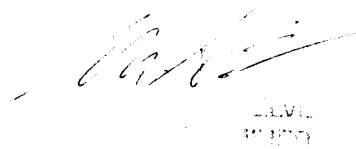
*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See US PTO-892.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is (703) 308-0092. The examiner can normally be reached Monday to Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn, can be reached on (703) 308-3318.

Any inquiry of general nature to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0661.



M. Alexandra Elve

April 10, 2003.